

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 246 be amended to read as follows:

- 1           Page 2, line 14, after "\$30,000" insert ".".
- 2           Page 2, line 14, strike "nor more than" and insert "**The fiscal bodies**
- 3           **may limit the amount of the annual coverage to**".
- 4           Page 6, after line 42, begin a new paragraph and insert:
- 5           "SECTION 9. IC 20-23-1-6, AS AMENDED BY P.L.2-2006,
- 6           SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7           JULY 1, 2009]: Sec. 6. (a) The township trustees of each township of
- 8           each county shall perform all the civil functions performed before
- 9           March 13, 1947, by the township trustees. The township trustees of the
- 10          county constitute a county board of education to manage the affairs of
- 11          the county school corporation created under this chapter in each
- 12          county.
- 13          (b) School cities and school towns retain independent organization
- 14          and administration unless abandoned as provided by law. The county
- 15          school corporation includes all areas not organized on March 13, 1947,
- 16          into jurisdictions controlled and governed as school cities or school
- 17          towns.
- 18          (c) The board shall meet:
- 19               (1) at the time the board designates at the office of the county
- 20               superintendent; and
- 21               (2) at other times and places the county superintendent considers
- 22               necessary.
- 23          (d) At the first meeting of each year, to be held on the first
- 24          Wednesday after the first Monday in January, the board shall organize
- 25          by selecting a president, a vice president, a secretary, and a treasurer
- 26          from its membership.
- 27          (e) The county superintendent shall call the board into special
- 28          session. Unless the board elects to have this section remain inoperative,
- 29          the board shall organize itself. The failure of the county superintendent
- 30          to call the board into session under this section may not be construed
- 31          to mean that a county school corporation described in this section is in

existence in the county, and a county school corporation may not be brought into existence until the board has met in special session after March 13, 1947, and has taken action to organize itself into a county school corporation, after consideration of the question of whether it should elect to have the provisions of this section remain inoperative.

The organization, if affected, must be:

- (1) filed with the county auditor; and
- (2) published by the county auditor in two (2) newspapers of different political persuasions of general circulation throughout the county within ten (10) days after the filing.

The organization is considered to fulfill the requirements of this section for the transacting of public business under this section. The secretary of the board shall keep an accurate record of the minutes of the board, which shall be kept at the county superintendent's office. The county superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board. A quorum consists of two-thirds (2/3) of the members of the board.

(f) The board shall:

- (1) make decisions as to the general conduct of the schools that may be enforced as entered in the minutes recorded by the secretary of the board; and
- (2) exercise all powers exercised before March 13, 1947, by or through township trustees or meetings or petitions of the trustees of the county.

(g) The board shall appoint a county superintendent who serves a term of four (4) years. The board shall fill vacancies in this office by appointments that expire at the end of the regular term. The county superintendent and other persons employed for administrative or supervisory duties are considered to be supervisors of instruction.

(h) The government of the common schools of the county is vested in the board. The board has the authority, powers, privileges, duties, and obligations granted to or required of school cities before March 13, 1947, and school towns and their governing boards generally with reference to the following:

- (1) The purchase of supplies.
- (2) The purchase and sale of buildings, grounds, and equipment.
- (3) The erection of buildings.
- (4) The employment and dismissal of school personnel.
- (5) The right and power to sue and be sued in the name of the county.
- (6) Insuring property and employees.
- (7) Making and executing a budget.
- (8) Borrowing money.
- (9) Paying the salaries and expenses of the county superintendent and employees as approved by the board.
- (10) Any act necessary to the proper administration of the common schools of the county.

(i) A county school corporation organized under this section:

(1) has all right, title, and interest of the predecessor township school corporations terminated under this section to and in all the real, personal, and other property of any nature and from whatever source derived; and

(2) shall assume, pay, and be liable for all the indebtedness and liabilities of the predecessor school corporation.

(j) The treasurer, before entering upon the duties of treasurer's office, shall execute a bond to the acceptance of the county auditor in an amount ~~equal to the largest sum of money that will be in the possession of the treasurer at any one (1) time~~ **fixed by the county auditor and** conditioned as an ordinary official bond, with a reliable surety company or at least two (2) sufficient freehold sureties, who may not be members of the board, as surety or sureties on the treasurer's bond.

(k) The president and secretary shall each give bond, with a surety or sureties described in subsection (j), to be approved by the county auditor, in ~~the sum of one-fourth (1/4) of the~~ **an amount required of the treasurer under subsection (j): fixed by the county auditor.** A board may purchase bonds from a reliable surety company and pay for them out of the special school revenue of the board's county.

(l) The powers set forth in this section may not be considered or construed to:

(1) limit the authority of a board to the powers expressly conferred in this section; or

(2) restrict or modify any authority granted by any other law not in conflict with this section.

SECTION 10. IC 20-23-16-26, AS AMENDED BY P.L.2-2006, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) A metropolitan board of education shall:

(1) make decisions pertaining to the general conduct of the schools, and these decisions shall be enforced and entered into the minutes recorded by the secretary of the board; and

(2) exercise powers previously exercised under the law, by or through:

(A) township trustees;

(B) meetings or petitions of the township trustees of the county; and

(C) county boards of education previously existing.

The offices of township trustee or county board or county boards of education as far as the conduct of public schools is concerned are abolished as of noon on the day the metropolitan school district is created and comes into existence.

(b) The metropolitan superintendent of schools and other persons employed for administrative or supervisory duties may be considered to be supervisors of instruction and are eligible, subject to the rules

1 adopted by the state board, to qualify for teaching units in accordance  
2 with law.

3 (c) The government of the common schools of a district is vested in  
4 the board. The board shall function with the authority, powers,  
5 privileges, duties, and obligations previously granted to or required of  
6 school cities and their governing boards regarding the:

- 7 (1) purchase of supplies;
- 8 (2) purchase and sale of:
  - 9 (A) buildings;
  - 10 (B) grounds; and
  - 11 (C) equipment;
- 12 (3) erection of buildings;
- 13 (4) employment and dismissal of school personnel;
- 14 (5) insuring property and employees;
- 15 (6) making and executing of a budget;
- 16 (7) borrowing money; and
- 17 (8) paying the salaries and expenses of the:
  - 18 (A) county superintendent; and
  - 19 (B) employees;

20 as approved by the board.

21 (d) A board is a body corporate and politic by the name and style of  
22 "The Metropolitan School District of \_\_\_\_\_, Indiana" with the right  
23 to prosecute and defend suits and shall act as necessary to the proper  
24 administration of the common schools of the county.

25 (e) The school district shall:

- 26 (1) be vested with rights, titles, and interests of the district's  
27 predecessor township or town school corporations;
- 28 (2) assume, pay, and be liable for the:
  - 29 (A) indebtedness;
  - 30 (B) obligations;
  - 31 (C) liabilities; and
  - 32 (D) duties;
- 33 of the predecessor corporations from whatever source derived;  
34 and
- 35 (3) institute and defend suits arising out of the school district's:
  - 36 (A) liabilities;
  - 37 (B) obligations;
  - 38 (C) duties; and
  - 39 (D) rights;

40 assumed by a metropolitan school district.

41 (f) The treasurer, before entering upon the duties of the office, shall  
42 execute a bond to the acceptance of the county auditor. ~~The bond may~~  
43 ~~not be greater than the largest sum of money that will be in the~~  
44 ~~possession of the treasurer at any one (1) time. The amount of the~~  
45 **bond shall be fixed by the county auditor.** The board of education  
46 may purchase the bond from a reliable surety company and pay for it  
47 out of the special school revenue of the metropolitan district.

1 (g) The powers set forth in this section shall not be considered as or  
2 construed to:

3 (1) limit the power and authority of a school board; or

4 (2) restrict or modify powers or authority granted by another law  
5 not in conflict with the provisions of this section.

6 SECTION 11. IC 20-41-1-6, AS ADDED BY P.L.2-2006,  
7 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The treasurer shall give a  
9 bond in an amount fixed by the superintendent and principal of the  
10 school. ~~approximating the total amount of the anticipated funds that~~  
11 ~~will come into the possession of the treasurer at any one (1) time during~~  
12 ~~the regular school year.~~ Bonds shall be filed with the trustee or board  
13 of school trustees. The surety on the bonds must be a surety company  
14 authorized to do business in Indiana. However, the requirement for  
15 giving the bond and the requirement to deposit the receipts in a  
16 separate bank account, as required in section 9 of this chapter, do not  
17 apply to any school for which the funds, as estimated by the principal,  
18 will not exceed three hundred dollars (\$300) during a school year.

19 (b) The requirements of this chapter may be fulfilled by providing  
20 a comprehensive bonding instrument, including a single blanket  
21 position bond, for all extracurricular treasurers. A comprehensive  
22 bonding instrument is acceptable instead of individual separate  
23 personal position bonds."

24 Renumber all SECTIONS consecutively.

(Reference is to SB 246 as printed January 16, 2009.)

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Senator LAWSON C